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14 RAYMOND P. KELLY, and DEREK D. THOMS

15   **UNITED STATES DISTRICT COURT**

16   **NORTHERN DISTRICT OF CALIFORNIA**

17

18 JUVENTINO RODARTE,   ) Case No. 4:14-cv-00468-KAW
)
19   Plaintiff,   )
20   vs.   ) **STIPULATION AND [PROPOSED]**
) **ORDER TO CONTINUE HEARING FOR**
21 ALAMEDA COUNTY, a public entity;   ) **DEFENDANTS' MOTION FOR**
   GREGORY J. AHERN, Alameda County   ) **SUMMARY JUDGMENT**
22 Sheriff sued in his individual capacity;   )
   RAYMOND P. KELLY, Alameda County   )
23 Deputy Sheriff's Sergeant sued in his   ) Judge: Kandis A. Westmore
24 individual capacity; DEREK D. THOMS,   )
   Alameda County Deputy Sheriff, sued in his   ) Case Filed: January 31, 2014
25 individual capacity.   )
) Trial Date: October 19, 2015
26   )
                Defendants.   )
27 _____) **Jury Trial Demanded**

28   1

   Rodarte v. ALAMEDA COUNTY et al./USDC Case No. 4:14-cv-00468-KAW
   STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING FOR DEFENDANTS'
   MOTION FOR SUMMARY JUDGMENT

1   Defendants COUNTY OF ALAMEDA (sued herein as "Alameda County"), GREGORY J.

2   AHERN, RAYMOND P. KELLY, and the DEREK D. THOMS (collectively "Defendants")

3   filed a motion for summary judgment which is currently set for hearing on August 6, 2015 at

4   11:00 a.m. (Dkt. No. 56.) Recently, all parties have agreed that a second Mandatory Settlement

5   Conference before Magistrate Judge Beeler would be beneficial and may result in a global

6   settlement, obviating the need for a hearing on Defendants' Motion for Summary Judgment.

7   On July 23, 2015, Magistrate Judgment Beeler held a telephone conference with all

8   counsel to discuss setting a second Mandatory Settlement Conference. During that telephone

9   conference, all parties agreed to schedule a second Mandatory Settlement Conference and

10 tentatively agreed to participate in a second Mandatory Settlement Conference on August 17,

11 2015, depending upon whether Magistrate Judge Beeler's calendar becomes available on that

12 date, as expected. If not, the parties will reconvene to reschedule a second Mandatory Settlement

13 Conference on the first available mutually convenient date. The parties further agreed that the

14 hearing on Defendants' pending Motion for Summary Judgment should be continued to a date

15 after the second Mandatory Settlement Conference, currently tentatively scheduled on

16 August 17, 2015.

17   THEREFORE, IT IS HEREBY STIPULATED by and between the parties and the parties

18 jointly request that the Court continue the Motion for Summary Judgment to September 3, 2015,

19 or the Court's first available date thereafter.

20

21   DATED: July 23, 2015

22   Respectfully Submitted,

23   SIEGEL & YEE

24

25   By: /s/ Kevin J. Brunner

26   Kevin J. Brunner, Esq.
                                                     Attorneys for Plaintiff
27   JUVENTINO RODARTE

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Rodarte v. ALAMEDA COUNTY et al./USDC Case No. 4:14-cv-00468-KAW
STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING FOR DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

1 DATED: July 23, 2015

2   BOORNAZIAN, JENSEN & GARTHE
                                                           A Professional Corporation
3

4
                                                 By: **/s/ Gregory B. Thomas**
5   GREGORY J. ROCKWELL, ESQ.
                                                           GREGORY B. THOMAS, ESQ.
6   Attorneys for Defendants COUNTY
                                                           OF ALAMEDA, GREGORY J.
7   AHERN, RAYMOND P. KELLY,
                                                           and DEREK D. THOMS
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12   ~~[PROPOSED]~~ ORDER

13   PURSUANT TO STIPULATION OF THE PARTIES, IT IS HEREBY

14   ORDERED that the Hearing for Defendants' Motion for Summary Judgment (Dkt. No.
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     56.) is continued from Thursday, August 6, 2015 at 11:00 a.m. to Thursday,
16
     September 3, 2015 at 11:00 a.m. in Courtroom 4, 1301 Clay Street, Oakland, California.
17

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19
     DATED: 7/27/15
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21   By: _____
22   HON. KANDIS A. WESTMORE
                                                       United States Magistrate Judge
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   Rodarte v. ALAMEDA COUNTY et al./USDC Case No. 4:14-cv-00468-KAW
   STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING FOR DEFENDANTS'
   MOTION FOR SUMMARY JUDGMENT